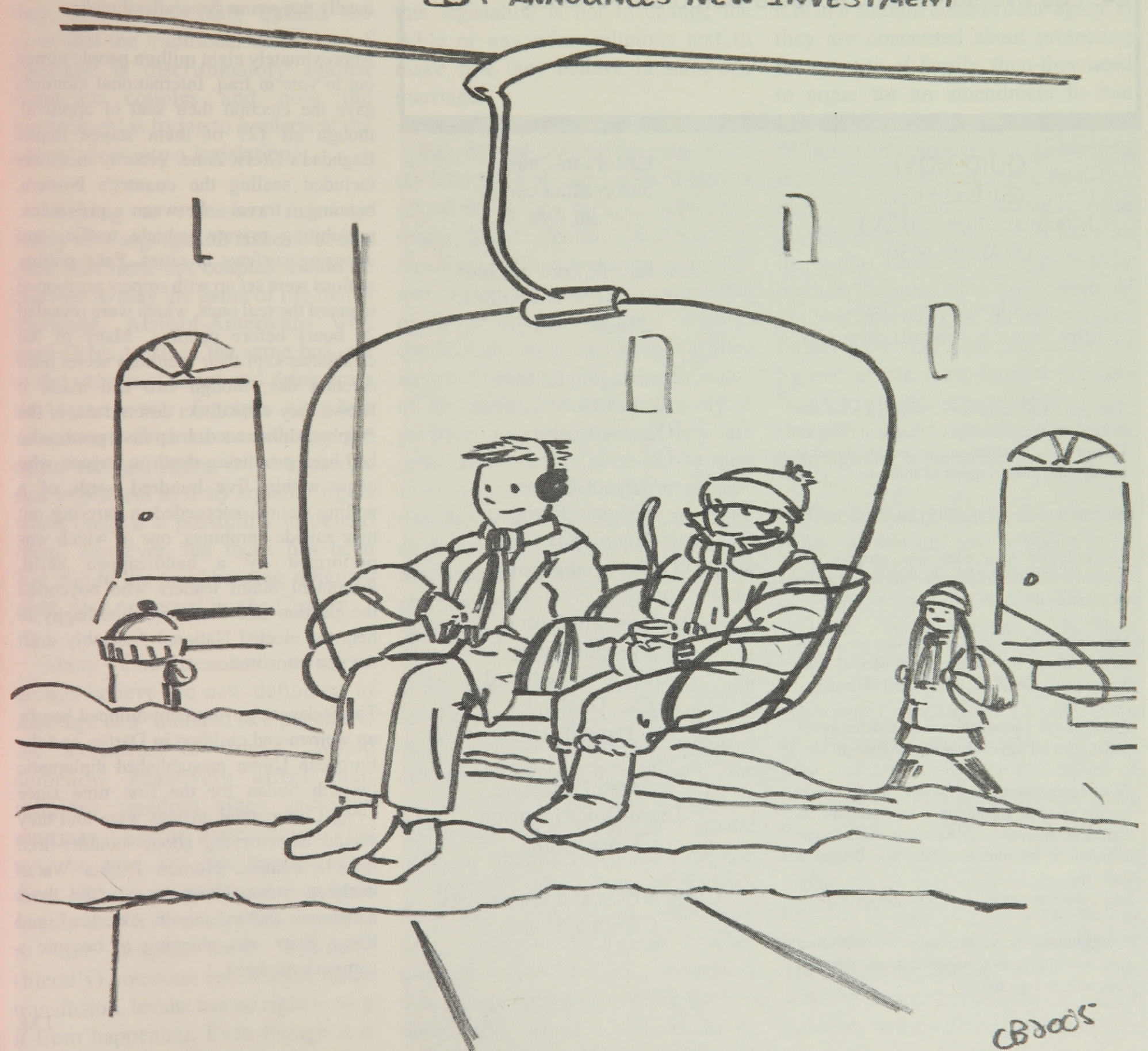


# Quid Novi

McGill University, Faculty of Law  
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"LSA ANNOUNCES NEW INVESTMENT"





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## Week in Review...

"Two of the great ironies of history," said President George W. Bush, "is there will be a Palestinian state and a democratic Iraq." World leaders gathered in Poland to commemorate the 60th anniversary of the liberation of Auschwitz, where Dick Cheney was criticized for wearing a green parka with fur trim instead of the more somber black coats everyone else had on. Vladimir Putin noted that "as there were no good and bad fascists, there cannot be good and bad terrorists. Any double standards here are absolutely unacceptable and deadly dangerous for civilization."

Approximately eight million people turned out to vote in Iraq. International monitors gave the election their seal of approval, though all 129 of them stayed inside Baghdad's Green Zone. Security measures included sealing the country's borders, banning travel between provinces, prohibiting private vehicle traffic, and imposing curfews in cities. Fake polling stations were set up with snipers positioned to guard the real ones, which were revealed 24 hours before opening. Many of the candidates kept their identities secret until election day, though two had made it known they were direct descendants of the Prophet Mohammed. Iraqi insurgents, who had been promising death to anyone who came within five hundred yards of a polling station, succeeded in carrying out nine suicide bombings, one of which was performed by a handicapped child. Prominent Sunni leaders who boycotted the election said they would be happy to help the elected National Assembly draft the new constitution.

The Sudanese government dropped bombs on women and children in Darfur, and the European Union reestablished diplomatic ties with Sudan for the first time since 1990. Commercial airlines were told they should be worrying about shoulder-fired missile attacks, Human Rights Watch declared meatpacking to be "the most dangerous factory job in America," and Ringo Starr was planning to become a cartoon superhero.

J.M.



# Editor's Page: Defending the institution of marriage

By Aram Ryu, Co-Editor-in-Chief (Law III)

After the introduction of the same-sex marriage legislation, Canadian lawmakers and the public will soon engage in a bitter political, social and legal battle concerning the same-sex marriage. Various Canadian courts have already spoken on this matter: they have consistently upheld the view that the traditional definition of marriage is discriminatory against same-sex couples and now the government is trying to implement the courts' view into a legislation.

Looking at same-sex marriage solely as a segregation issue, it seems clear that same-sex couples should be allowed to play the game of life that is marriage. African-Americans won hard fights to sit in the same bus, eat at the same restaurant and drink from the same water fountain as white Americans. Without considering the nexus of legal rights, it is impossible and imprudent to deny equality rights when there is a possibility to defend them. However, the focus has been lost due to the neighbouring religious right, also protected by the Charter.

Many Churches and religious groups believe the new definition of marriage as a "union of two persons to the exclusion of others" would somehow negatively affect their religious freedom since same-sex marriage is against their religion. That may be true, but just because they don't like it does not mean they have to stop it. If a Jehovah's Witness goes to the hospital and witnesses (literally) someone receiving a blood transfusion, he/she has no right to stop it from happening. Even though it is against many religions, they need to

understand that they are not in control of everything thanks to a little thing called separation of church and religion. Canada is not governed according to religious laws, it is the Constitution, the Charter and other civilian (as opposed to religious) laws that define our society. The goal of this legislation is not to change the Bible or any other religious text to make sure they believe in same-sex marriage.

Some have argued opening up of the institution of marriage will lead to sexual deviations such as polygamy, incest and child molestation. However, before targeting same-sex marriage as the single, greatest source of those deviations, they need to consider the existing issues that they have not yet fixed. For example, some of the societies where polygamy is practiced, people believe they are justified by their religion to live their lives with as many partners as they can: this does not mean they are right, as the religion itself may have banned the practice (such as the Mormon prohibition on polygamy). It is their own interpretation and beliefs that fuel this deviance. When it comes to child molestation, statistics and several studies have shown that most child molestations that occur are in a straight context. In addition, the biggest child molestation scandal in the world stems from the Catholic religion, where some believe the ban on marriage and the vow of celibacy have turned children into vulnerable preys to the Catholic priests. And the last deviance that the same-sex marriage is supposed to bring forth to this fragile world is incest. Some misguided, and somewhat dim-witted,

people believe the changing of the definition from "union between a man and a woman" to "union between two persons" would lead to more incestuous relationships. However, the previous definition does not prohibit the incestuous relationships either and in most instances of incest, it is in a straight context once again. If they are concerned about protecting the sanctity of family, then they need to argue for an amendment to ban incestuous relationship within the definition of marriage, not for keeping the definition as it is since that may lead to an unwanted outcome. After all, Freud claimed that guys have an incestuous desire to sleep with their mothers because they are jealous of the bond between the mother and the father. Even this argument advanced by one of the most famous thinkers hasn't led to the demise of marriage: there is no reason for same-sex marriage to do the same thing.

Finally, many believe the marriage is an "institution" and it needs to be protected from being changed in order to maintain social stability. To those persons who share that view, they have something greater to take care of, before going after same-sex marriage. Currently in Canada, 1 in every 2 marriages ends up in a divorce which clearly shows the institution of marriage is under attack from a wave of "liberty, freedom and human feelings". People do not take the institution as seriously as it needs to be AND they misrepresent themselves by promising they'll be together. Therefore, by forcing them to stay with the partner even if it makes them unhappy and by forcing them to live together even if that leads to extra-



marital affairs, they need to be together simply to defend the ever-important institution of marriage. After all, who cares about individual freedom and freedom to contract when they can sacrifice themselves to defend something greater such as "marriage"?

It is indeed a shame that many religious groups oppose the proposed legislations: many religions and their leaders claim they should be "above" the common folks because of their spirituality and understanding of the world. They are supposed to focus beyond the material world, and show compassion towards everybody. Even better, they are supposed to love their neighbours just as they love themselves, and set examples for others to follow. This doesn't mean they all have to become saints by doing extraordinary things halfway across the world: they can start small by trying to go beyond their religious bigotry and understand the core of their religions. Will opposing same-sex marriage improve your relationship with your god? Will preventing two men or two women who love each other from getting married somehow improve your marriage as you lay down every night next to the woman/man you don't love anymore after coming back from your lover with whom you've been having an affair for months? No one is perfect, but people who believe in the Word (not Microsoft Word) need to understand the overall context of the religious texts and their application in our world. Slavery used to be supported by the majority

of the people in the United States, segregation was the standard for many years and inter-racial marriages were presumed to be the end of the world. And when divorce was finally legalized, many zealous pundits believed the institution of marriage would be forever destroyed and families would be utterly annihilated. But that didn't happen: people still get married even though many realize it won't be forever, and there still are families who love each other very much.

The institution of marriage will ultimately benefit from the introduction of same-sex marriage by giving it legitimacy that has been lacking for a long time due to high divorce rate, and unmarried couples. In the end, it is always about the children: sending them to the best school, giving them the best health care that do not make them wait months and months for basic surgery and giving them parents who will love and take care of them. In a world increasingly threatened by senseless violence, rampant crimes and corruption and renewed sense of nihilism, family is the last line of defence against the destruction of our society. Allowing for same-sex couples will, in part, fill the void left by the non-functioning and sometimes disruptive man-woman couples. The reality is, there cannot be a perfect society and conditions for the children, but they will ultimately benefit when they have more chances of being in a loving family. ■

## **NOTICE TO LAW STUDENTS: AVOID *THE TRAGEDY OF THE COMMONS* AND KEEP THE BASEMENT COMPUTER LAB CLEAN.**

As some of you may have noticed, the downstairs lab (Room 6 OCDH) has miraculously cleaned itself up. The work was done by microscopic, non-unionized nanites & out of work Tooth Fairies, who feed on coffee stain deposits, left-over Pino's lunch specials, banana peels and crumbs specifically caught between the V & D keys on the keyboard. These bio & biomechanical sprites then produce a pine fresh oxygen based secretion to give the area that *New Lab Smell* and cover the odor of decaying fruits and veggies.

Now as i write this i ask myself: " Self", i ask " is this just way too good to be true???"

The answer is YES. Cuz everyone knows that Tooth Fairies hate non unionized Nanites... bunch of neophobes if you ask me.

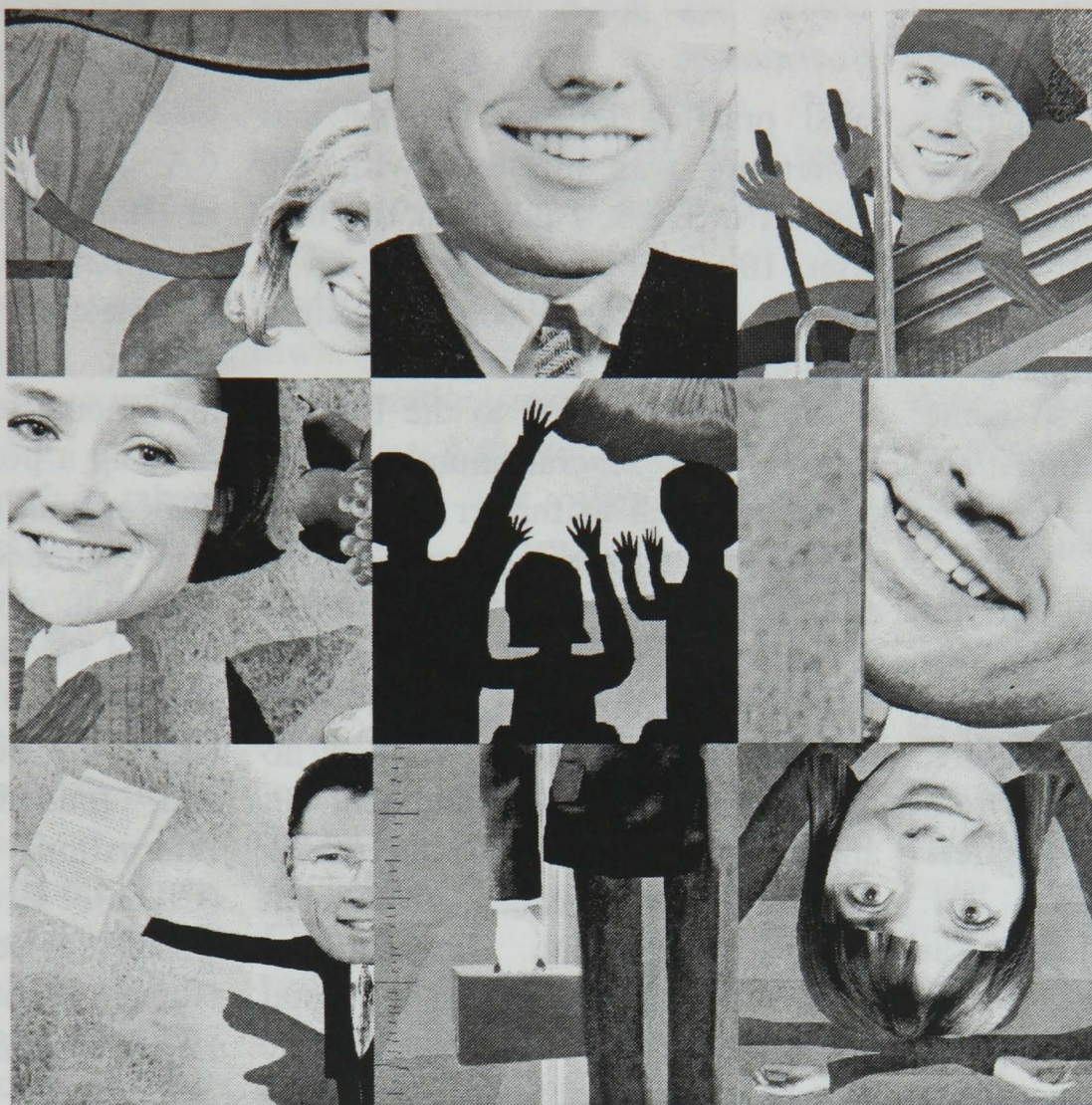
The Lab was cleaned by a member of your LSA Exec... and since there was no VP-Cinderella, VP External stepped up to the tomato sauce stained plate and took it upon himself to cleanse the lab. On behalf of the rule abiding students who don't like computing between a half filled coke can that's stuck to the desk and a moldy sprout of broccoli, Thanks Andres!!!!

As this is quickly becoming a re-occurring issue, let me reiterate that No Food or Drinks may be consumed or even "temporarily stored" in the Labs (with the exception of water).

If the labs fall to disarray (of the crumbly/ organic decaying variety) again, the LSA has requested that that particular lab be **shutdown** for an (as of yet) undetermined period of time. This can become quite inconvenient, please don't let that happen.

RoN Narine & Andres Drew : LSA VP External.





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Best of luck to all participants to the  
“Course aux stages” 2005!

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# On the Search for a Public Interest Law Career ...

by Diana Reynolds (LL.M. 2004/2005)

**A**re you thinking about a public interest law career? Always dreamed of working in international law, human rights, environmental law etc.? Public Interest Careers Day is coming up on Wednesday February 16th, so come on out and see what options are available.

On a personal note, I can tell you that the search for a public interest career can be challenging one, but well worth the effort it may require. I'll share with you a few insights from my adventures in seeking out a career in international human rights law. After completing the LL.B. at Western, I articulated with Cassels Brock & Blackwell (CBB) in Toronto. Realizing however that traditional

legal practice left me feeling that something was missing, with the support of CBB, I departed the firm after 10 months and completed 3 months of articles with a community legal clinic.

After being called to the Ontario bar, I spent several months doing career research to further investigate options for a public interest career. Along the way, I made the decision to pursue my dream of international work. Applying directly to international vacancies yielded no results, so I diversified and sent out applications for several internships funded by the Canadian government under the Youth International Internship Program. With a special interest in the Balkan region (from the days of my political science studies), I

was thrilled to be selected for CANADEM's program which sent me in June 2000 to work with the Organization for Security and Cooperation in Europe (OSCE) in Bosnia. Following completion of a nine-month term with the program, I took up a position as Human Rights Officer with the OSCE in Bosnia. I was seconded to the OSCE by the Canadian government through the Balkan Civilian Deployment Project, which is managed by World University Service Canada (WUSC) and funded by the Canadian International Development Agency (CIDA). I remained with OSCE in Bosnia for several years working as Human Rights Officer, and later as Legal Advisor for Rule of Law. ▶

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So what was it like to work with the OSCE? I'll share with you an experience from my internship. In the town Drvar, monitoring and promoting the implementation of the property repossession laws (to allow displaced and refugee persons to return to their pre-war homes) required real field-work. On occasion, temporary occupants physically resisted being evicted despite the fact that they had taken possession of several houses during the war, or that their pre-war house was habitable and empty. The OSCE and UNHCR staff would be on the spot to intervene with the local housing officials to press them to implement the eviction. The international police were on the scene as well in order to monitor the work of the local police who had the task to physically perform the eviction. Meanwhile the international military carried out surveillance and sent out jeeps and APCs to block off the road in order to try to reduce the growing number of people who came over to block the eviction.

This very town Drvar was the site of riots during 1997 following the return of the first group of pre-war residents. Buildings in the town centre were burned down, and returnees and international agencies were driven out of their homes and offices. While I was there during the

course of my internship, we witnessed a familiar spectre of schools and factories closing down and people taking to the streets to demonstrate against returns and evictions. This time we were prepared with bags packed, while office equipment was 'evacuated' and stored at the international military base in the town. Thankfully however, the demonstration was not to end in the same way. A meeting was called with the Mayor and other government officials, international agency representatives and demonstration leaders. The demonstration leaders backed down, and agreed to a course of further meetings to discuss their concerns. To me it was a sign that the community was starting to accept the inevitable.

The property repossession laws came into force in Bosnia in 1998, and today over 92% of the 216,000 internally displaced persons and refugees who claimed their pre-war property have successfully reposessed that property. Notably, the town of Drvar boasts a 100% rate of property implementation.

There are many other interesting stories from my days of working as Human Rights Officer ... monitoring police interviews with potential victims of human trafficking, meeting with judges and prosecutors regarding war crimes cases, filing a criminal report against a judge, convincing an

angry Mayor to restore cooperation with the domestic Human Rights Ombudsman Office which had criticized his municipality etc. And there were all the day-to-day activities that were just as important.

The work was fascinating, but I have to warn you, it can be addictive! Still interested? Get your foot in the door through an international internship. I've seen many other colleagues find employment in Bosnia through the same route. Get some hands-on experience in negotiation and mediation - diplomatic skills are key for field-work - it is not enough to be in the right or to have the law on your side. And remember, as a colleague of mine said, 'this is the only business where you are in business to get out of business'. Approach your tasks with that in mind. Work on skills/knowledge transfer, and build up the sustainability of the domestic authorities and systems - put the onus on them: ask them the questions that will engage them in identifying the solutions; give encouragement and support to those authorities who dare to take a stand against corruption.

Questions? Feel free to ask me. I am always happy to help others find their way through the maze of searching for international work.

Good luck! ■

## VOLUNTEER AT PUBLIC INTEREST CAREERS DAY

Want to meet legal professionals with fascinating careers? Volunteer to help out at the Public Interest Careers Day on Wednesday, February 16th! We will need people to take care of registration, showing participants around, set-up, clean-up, and one person who's good at setting up microphones!

To help out, write to [Audrey.DeMarsico@mail.mcgill.ca](mailto:Audrey.DeMarsico@mail.mcgill.ca).



# Sous les tropiques à Montréal

par Delphine Neant (Law II)

Saviez-vous qu'il existe un monde hors de la faculté de droit? Personnellement j'ai fortement tendance à l'oublier. Entre le *factum*, les *readings* et les *coffee house*, on ne sait vraiment plus où donner de la tête. Et bien, vivons dangereusement et jetons un coup d'œil du côté de l'Hôpital Général de Montréal.

Rendez vous à 10h du matin pour une vaccination en Centre des Maladies Tropicales. De vous à moi, je me demande bien où ils ont pu pêcher ce nom. J'aurais compris qu'il l'intitule « Centre de Vaccination contre les maladies tropicales, ou encore « Bienvenue au paradis des Tropiques » mais « Centre des Maladies Tropicales », non!

*Pensée bête : soumettre cette magnifique idée à une personne bien placée.*

Me voilà donc au 7ème étage de cet immense bâtiment impressionnant. Une vraie fourmilière, me disais-je à moi-même. On y retrouve les gens de tous les jours:

-celle qui s'habille de façon provocante et fait tourner la tête des malades de dernier souffle,

-celui qui fait tout le temps la tête et qui vous jette un regard noir alors que vous ne lui avez JAMAIS rien fait,

-celui qui s'assoit à côté de vous et qui s'est « malencontreusement » renversé la bouteille d'eau de toilette le matin même,

-celle qui devrait savoir que ressembler à une voiture volée n'est

pas flatteur à tout âge<sup>1</sup>, et enfin

-le médecin qui fait compliment à une personne âgée de sa bonne mine (« You look great! ») alors que je me disais justement que cette personne devrait être très malade.

Oui, tout le monde est là!

Je réalise alors combien je me sens « privilégiée » d'être en bonne santé. Un petit endroit de paradis au milieu d'un monde bien « maladivement réel », voilà ce qu'est le Centre des Maladies Tropicales ». Même pas un couloir entier de bonheur de vaccins; juste quelques portes donnant sur des bureaux minuscules mal rangés. Finalement, j'ai presque honte de venir ici pour recevoir un vaccin. J'ai presque envie de m'excuser auprès des personnes allongées sur les brancards qui n'ont décidément pas l'air d'aller très bien.

Cette première impression n'a pas duré (un peu comme toutes les premiers impressions d'ailleurs!). Très vite, j'ai senti un sentiment de malaise m'envahir. J'attendais mon tour; stressée sur ma chaise, un peu comme pour un oral d'examen. N'avez-vous alors jamais eu l'idée saugrenue de vous lever (comme ça), et de partir avant votre oral? Je peux vous dire qu'elle m'a bien traversé l'esprit une dizaine de fois. J'ai failli lever le camp quand j'ai vu cette femme sortir du bureau en boitant. Tiens, c'est bizarre, je ne me souvenais pas qu'elle boitait avant d'être rentrée dans le bureau cette charmante madame. Qu'est ce qu'ILS vous font donc dans cette pièce? Ils vous injectent une dose de vaccin et

un coup de pieds dans le tibia?

Une voix me disait « prends la fuite, cours, cours Forest ». Une autre disait mon nom.

C'est dans ces moments là que j'essaye désespérément de me raccrocher aux choses que je connais. Et qu'est ce que je connais? Le droit et son corollaire : l'art de l'argumentation. J'entrais alors en grande discussion avec le médecin ou plutôt devrais-je dire en grande négociation avec ce dernier sur le nombre de vaccins à recevoir.

*Petit conseil : s'il vous arrive de voyager, n'écoutez pas les médecins. Ils essayent toujours de vous refourguer un nombre inimaginables de vaccins.*

Ouf, je m'en tirais avec « une fièvre jaune », une ordonnance pour la malaria (avec une « promesse » de revenir pour le reste...) et un splendide mal à l'épaule qui allait durer 3 jours! Quelle aubaine!

En sortant du bureau, je tombais sur le mec « qui ne sourit jamais » et je décidais de lui en faire un ...de sourire; non pas car je suis foncièrement gentille mais car au moins moi, je ne travaillais pas dans ce faux semblant de paradis des Tropiques.

Ah, vive Montréal et son froid qui vous gèlent les orteils! Quelle drôle d'idée de partir au soleil alors qu'il est avec vous chaque jour! ■

<sup>1</sup> I.e. trop se maquiller.



# What is IP Law Good For?

by Jason MacLean (Law II)

It's because what I know about intellectual property law can be encapsulated by © (save the c) that I attended Professor Sam Trosow's recent talk on "The Illusive Search for Justificatory Theories: Copyright, Commodification and Capital." Professor Trosow, who splits his time at the University of Western Ontario between the Faculty of Law and the Faculty of Information and Media Studies, promised a lecture on information theory, copyright, and Marx. That's a tough hand to beat.

Professor Trosow, who marches under the "critical paradigm" banner, pronounced an interest in both theory and practice. I nearly left the room in a huff. This is McGill, after all. Soon after this provocation, however, Professor Practice dropped John Locke and, to leave no doubt about his qualifications to speak at our august Faculty, Georg Lukacs. I settled comfortably into my seat.

What is today's IP environment? "Unduly expansive," says Professor Trosow. Increasing IP protection may benefit the holders of copyrights and patents, but these same protections (for instance, the Digital Millennium Copyright Act; see also s. 12 of the U.S. Copyright Act) are also excessive limitations on the users of a once vibrant information commons. But this is getting ahead of the story.

Why do we even have IP laws in the first place? This question, for Professor Trosow, raises the specter of justificatory theories of IP legal

regimes – what we like around these parts to call normative principles. What are, in other words, the foundational norms undergirding the expansion of IP laws? Take, for instance, Locke's "sweat of the brow," or, in other words, the norm of fairness to the author. Professor Jeremy Waldron, following Professor Hohfeld before him, argues that rights create duties in others. Property, for instance, entails a right to use and enjoy, a right to exclude, and a right to transfer. The right to use and enjoy, for Professor Trosow, creates a "dead-weight opportunity cost," the manuscript never written, the play never performed. A negative duty, in other words, to do nothing.

The prevailing norm giving rise to the expansion of IP laws, however, is that of utilitarianism. Consider financial losses incident to piracy. Simply multiply the unit cost by the number of thefts (assuming, however tenuously, that each theft would have been, but for the theft, a valid sale), and you have your loss. But how do we quantify the loss to a budding intellectual? What is the loss of the book never written? We never really know.

For Professor Trosow, then, the use of mainstream economic analysis of IP law is exhausted. It is at this point we begin to traffic in assumptions, the first of which is Professor Trosow's dubious claim that information is not inherently exclusive (that is, subject to rivalry). That is quite right – information is inherently informative and nothing more. But of what use is the modifier "inherently"? With respect, the analysis of information's

inherent nature is as abstract, absurd, and exhausted as mainstream economics' operative axioms. Information *qua* information informs. Information, then, is not mere data. Information *qua* information is knowledge, and knowledge (prepare for blithe cliché) is power. Thus the assumption that the public good is maximized at the intersection of mutually minimal information rivalry (an anti-euphemism of sorts for competition) and minimalist IP laws is, to say the least, tendentious.

Enter Marx. In chapter one of *Kapital* (tops all-time on the *New York Times* best-seller list, followed, ironically, by Ayn – rhymes with mine – Rand's *Atlas Shrugged*), Marx distinguishes use value and exchange value, the latter necessary for the development of capitalism. Later on in chapter one, in section four, Marx introduces, teasingly, the fetish of commodities and the notion of alienation from the products of our labours. Now enter Lukacs, and his notion of reification. The commodity, the information, originally embodying a relationship between people, is transformed (conceptually) into a real thing itself, and its ostensibly thing-like nature occludes the human (and intellectual) labours that produced it in the first place. To wit: "Information technology is changing the way we live." Or, more to the point: "Information just wants to be free!" Long live Lukacs!

What does this have to do with IP law? In relation to the author/inventor in





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the scope of employment, IP rights vest in the employer. Classic ► Marxian labour alienation and Lukacs-ian reification – the intellectual labour is left unprotected and is ultimately forgotten, and the intellectual commodity is fetishized and hoarded. Whatever you might think about the formal trappings of this argument, the analogy is intriguing.

These formal trappings do matter, however, for they conceal the second untested, unverified, and perhaps ultimately unverifiable assumption underlying Professor Trosow's analogy – the *nature* of human nature. The utilitarian argument, for instance, argues that IP protection creates an incentive to engage in intellectual labour. But what, Professor Trosow asks, *really* motivates productive labour? After all, we all know that nobody cares for money anymore. Money is out, *passé*, so very 1998. He provides three counterexamples, namely, the Open Source Movement, alternative forms of publishing, and the widespread practice of writing academic journal articles. These examples are marshaled (unsuccessfully, I think) to evidence the assumption that human beings are naturally, inherently creative and productive independent of market incentives. Why do I say unsuccessfully? The Open Source Movement derives its very motivation from the Closed Source Establishment. In this example, restrictive IP laws serve not to disincentivize but to encourage creative and oppositional intellectual labour. The same goes for *alternative* publishing. And while it is true that academic journal articles do not accrue royalties, they do produce tenure and merit pay increases (just as *alternative* publishing is seen by

many an aspiring writer as a new means toward eventually becoming published in established formats and venues). Thus Professor Trosow's conclusion that the philosophical justifications underlying IP regime expansion are unjust is founded upon equally shaky and suspect grounds. At this point, I'd like to explore a more constructive approach to the question of IP laws' justifications (bearing in mind, of course, that I know absolutely nothing about this area of law).

Arguments that rest upon largely if not completely unverifiable axiomatic assumptions about human nature are nonstarters. Of course, no area of law should be based upon unrealistic assumptions about what human (or legal) beings are capable of (a lesson that advocates of corporate social responsibility would do well to consider). But law that bases its normative justification on this assumption or that is always susceptible to an equally axiomatic – and relative – norm (e.g., human beings are motivated extrinsically except, of course, they're motivated intrinsically). Law, if it is to be constructive, ought to be based not on empty axioms but on *aspirations*, aspirations, moreover, about what is good, aspirations not detached from but bound up with pragmatic plans for their realization. This is analysis of the middle-range that inquires into the reciprocal relationship between law and situated social and economic actors.

Pragmatic, however, does not mean unprincipled. Neither does it mean opportunistic. It may well be that Hollywood's lobbyists are far

ahead of the largely dispersed user rights movements, but this is not a good argument for divorcing theory and practice (as if such a division is even possible, let alone desirable). Once again, Professor Trosow fails to understand the way means and ends are inextricably intertwined. It will not do, for instance, to theorize about Marx and Lukacs, on the one hand, and plead Friedman and Posner, on the other. Not only does such unprincipled inconsistency make for poor and unconvincing rhetoric, it fails to live up to the very aspiration of a vibrant information commons and the protection of intellectual labour that produces and sustains intellectual community in the first place. And what of the ideological diversity of the user rights movement? Is it sensible, is it desirable, to lump such ideologically opposed factions like the Hollywood producers who want to refurbish restricted material into new "content," the "Television Digital Liberation Front," IP law professors, and myriad others? When Professor Trosow says that he is happy to plead in the language of neo-classical economics if that will achieve the goal of pushing back IP protection, I wonder if the cure is not worse than the disease, for such a strategy is tantamount to the instrumentalization, reification, and commodification of knowledge. How are intellectual myopia, insincerity, and solipsism conducive to the *public* good? How can lawyers convince Congress and Parliament that deregulation is good, as it is in the realm of IP law, except, of course, when it is bad, as it is in the realm of multimedia conglomeration and anti-trust law? How long until it is understood that neither in law nor in life do the ends justify the means? ■



# Why McGill Law Needs An Injection Of Rawk Cool

by Emily K Moreau and David Perri (Law III)

As ice-riddled doldrums continue to grip Montreal in general and McGill Law specifically, we've decided to provide you all with a meaningful (?) distraction in the face of winter (how do the Norwegians handle all this for 10 months a year?) Basically, what we're putting forth here is a list of the Top 8 coolest people in music, as well as two honourable mentions each. Defining cool is a tricky issue, no doubt because it's an incredibly subjective and amorphous conception; the only criteria we really had in mind while compiling this piece was chronicling people who exude and drip the intangible persuasion that is cool. Yeah, this exercise is pretty random (uh, approved methodology wasn't a priority as you can see), but read on anyway. Another caveat is that this list's purpose isn't necessarily to be comprehensive – if it was, John Lennon would no doubt be on top. Instead, we're trying to shed light on individuals who might be part of the mainstream, but on the slight periphery of the predominant zeitgeist. Why? Because at this point of the year, law school is still pretty staid and we can all use an injection of cool. By the way, if you become interested in any of the following go out and buy their records. You'll be a better person for it.

## Emily's Top 8

### 1. Julian Casablancas (The Strokes)

All it took was an early summer Strokes show in Central Park attended by an exclusive crowd of 1000 people (including semi-psychotic actor/director/musician Vincent Gallo) to confirm what I already knew about the band's frontman: Julian Casablancas is the personification of cool – his signature swagger makes guys jealous and girls swoon. The Strokes' debut album, *Is This It*, provided the New York quintet with instant fame and Julian's crooning on their follow-up record, *Room on Fire*, only fanned the flames of the band's

celebrity. Check out the video for "Reptilia" (available at [thestrokes.com](http://thestrokes.com)), the second single off *Room on Fire*, and try not to be completely taken by Julian's charm. Not only does he have one of the coolest names in show business, but his drunken allure and slightly gritty New Yorkesque appeal put Julian Casablancas at the top of the cool list.

### 2. Carlos D (Interpol)

I've always thought that bass players don't get enough credit. But where would the Pixies be without Kim Deal, or where would No Doubt be without Tony Kanal? The same goes for Interpol: bass player Carlos D is certainly a major contributor to the already über-cool band's impeccable style. There is something decidedly appealing about the contrast of his pale skin against his black hair and outfits. And when I pay close attention to the bass on *Turn on the Bright Lights*, Interpol's incredible first album, I get a warm, tingly feeling, especially when played on vinyl. Speaking of records, Carlos D is also dexterous with turntables, a skill he exhibits while moonlighting as a DJ in New York clubs. If you ask me, the D stands for Damn cool.

### 3. Jesse F. Keeler (Death From Above 1979)

- His initials are J.F.K.
- He sports an oh-so-ironic 70's porn-stache – and pulls it off impeccably.
- As half of explosive Canadian duo Death From Above 1979, he has the ability to rock your socks off (their album *You're a Woman, I'm a Machine* is definitely the best of 2004).
- He's got a one-man side project called *Femme Fatale*. How cool is that?
- He's super nice. He once gave David a hug, I swear.

### 4. David Bowie

David Bowie gets on the list for being consistently cool for well over 4 decades. Ok, so maybe there was a short lapse in Bowie's coolness sometime in the late 80's/early 90's, but let's face it, that was a bad time for everyone. From Space Oddity to Ziggy Stardust to latter-day older-but-hip Bowie, the Thin White Duke has managed to produce some really great music and turn heads at the same time. Bowie's androgynous look throughout much of the 70's provoked questions about his sexuality; there were even rumours of an affair with Mick Jagger. One of my favourite Bowie stories is that he reportedly once stopped an Elvis show when he walked in late dressed in full Ziggy garb. I mean, he fuckin' upstaged the King – isn't that awesome? I never got to see Ziggy Stardust, but I did get to see Bowie in late 2003 and was not disappointed. His ultra distinctive voice has matured with age and he's traded in his moon boots for Converse All-Stars, proving Bowie knows how to keep up with the times.

### 5. Trent Reznor (Nine Inch Nails)

Trent Reznor, or Trenty as one friend would so affectionately refer to him, is Nine Inch Nails. The man writes, plays, and produces virtually everything that is put out under the NIN moniker. If there were a way for Trent Reznor to play every instrument at once, he'd probably scrap the touring band too. His solo approach to NIN makes the music that much more believable as you know that all the emotion – usually anger, sometimes sadness – that oozes out of it is all his and all real. That, and I like guys who are pale and skinny (see Carlos D).

### 6. Pharrell Williams (The Neptunes/N.E.R.D.)

This man accomplished two things I ▶



would have never thought possible: he made me seriously consider buying a Justin Timberlake album and he was also responsible for my purchase of Snoop Dogg's latest endeavour, *Rhythm and Gangsta* – Pharrell produced both records and contributed his smooth vocals to a number of tracks. Enough said.

#### 7. Omar A. Rodriguez-Lopez & Cedric Bixler-Zavala (ex-At The Drive-In, The Mars Volta)

With lyrics like “Yes this is the campaign slogan, entrails in the cargo bay,” I rarely understand what the hell Omar and Cedric are talking about. Nevertheless, their spastic energy on stage and matching afros set this pair high on my list of great live (and cool) bands. At one point during the Mars Volta's set as openers for the Red Hot Chili Peppers in 2003, I strained to find a second guitar player on the mostly darkened stage and

was amazed to find that Omar alone was churning out some of the most incredible sounds I'd ever heard, perfectly complemented by Cedric's wailing vocals and skillful fits of paroxysm. One needs only listen to an album by Sparta, At The Drive-In's other spin-off band, to understand which half of the now-defunct post post-hardcore outfit was the source of its intensity.

#### 8. Jack White (The White Stripes)

Although the White Stripes exploded onto the scene with fairly mainstream “Fell in Love with a Girl”, Jack's heart has always been in the Deep South. The band's first two albums showcase his love of delta blues, with Jack paying capable tribute to legends like Leadbelly and Robert Johnson. Alright, maybe he flat out copies them from time to time, but at least he's copying something different. I will also concede that the whole debate as

to whether Meg is his sister or his ex-wife (or both) is a little weird, but Jack White has the ability to play the guitar in a way that's been too long ignored, and play it well at that. His performance in Jim Jarmusch's recent film *Coffee and Cigarettes* was also highly entertaining, if slightly bizarre – only Jack White could interact with a Tesla coil and make it cool. As for music, do yourself a favour and forget “Seven Nation Army;” check out the White Stripes' first two albums, *The White Stripes* and *De Stijl* for classic, bluesy Jack.

#### Honourable mentions:

#### Jason Newsted (ex-Metallica, Voivod)

This guy is my hero. Deciding it was time to move on and pursue other projects, Newsted told Metallica megalomaniacs James Hetfield and Lars Ulrich to fuck off – but not in a lame, whiny, Dave Mustaine kind of way. After sitting through the 43 hour documentary *Some Kind of Monster*, a film which showcased the band's advanced state of dysfunction, I wished I could quit Metallica too; but since James and Lars have stopped returning my calls, I'm not really in a position to do that. And so, I live vicariously through Jason Newsted. Mr. Newsted, I salute you.

**Prince/The Artist Formerly Known as Prince/That Symbol Thing/The Artist/The Man Formerly Known as the Artist Formerly Known as Prince/The Guy Who Wrote *Purple Rain***

I once wrote an article in cegeg in which I referred to Prince as a beacon of light in the dark ages that were the 80's – clearly an overstatement, but hey, I was 16, the peak age for exaggeritis. Nevertheless, Prince definitely produced some great music in the 80's, including the legendary soundtrack to the movie *Purple Rain*. Although his constant identity changes have become somewhat tiring and his religious awakening in the late 90's virtually killed the central ▶

## DEAN'S HOT SEAT !



**Vous êtes tous invité(e)s à venir  
rencontrer le doyen,  
mercredi le 9 février à 12h30 dans le  
Moot Court**

Very important issues  
that concern ALL OF US  
will be addressed, including:

- good news about Faculty finances
- « dédramatisation » des notes
- where we are on coursepacks

**À ne pas manquer!**  
➔ **Venez avec VOS questions**



element of his sexually charged music, Prince is still a pretty cool guy. Only the Artist could get away with wearing high heels on a regular basis, even though he probably does it out of convenience: he and his wife are the same size and frequently swap clothes and, I assume, shoes. The only beef I've got with Prince is that he chose to live in Toronto; but "When Doves Cry" is so touching, I can't stay mad.

### David's Top 8

#### 1. Joe Strummer (The Clash)

How do you even begin to describe the impact of The Clash's brightest flame? Joe Strummer inadvertently led a rock revolution, introducing British punk to America (an honour that is incorrectly bestowed upon the over-rated and entirely average Sex Pistols) and then transforming his band into one that's relevance far exceeded what anyone could have ever imagined. The critics, back in 1979, called The Clash the only band that mattered and they meant it: the group's masterpiece, *London Calling*, is in an unparalleled sphere of its own, fusing rock, roots-rock, punk, reggae, ska, dub, and social consciousness beyond what anyone else was doing at the time. When Joe Strummer called out, people listened. When his lanky frame took the stage and furiously manipulated his guitar, they reacted. When his 50's-greaser-meets-late-'70s-political-revolutionary aesthetic howled out his lyrical righteousness, the definition of cool had been achieved. His solo stuff recorded right before he died was pretty intense, too. Rest In Peace, Joe.

#### 2. Nicke Andersson (The Hellacopters)

Nicke Andersson has cool running through his veins. The stringy-haired former leader of Entombed and current Hellacopters mainman bleeds, sweats, writes and riffs in coolest of ways, to the point where I'm un-naturally at a loss for words. From the first time I heard the band's masterpiece *Payin' The Dues*

(without a doubt the greatest rock record of the '90s) in the now defunct Underworld record shop on Ste-Catherine E. years ago, I have had unadulterated and unaltered admiration for Andersson. Not only does the man compose the greatest songs ("Soulseller", "Hey!", "You Are Nothin'", "Another Place", "You Bore Me", "Colapso Nervioso", etc), but he's down to earth and approachable despite his band's Grammy winning and gold record ways in Sweden. Andersson's solos ensure absolute rock bliss while inducing euphoria, adrenaline-rushes and wonderfully pervasive sonic release. And the guy wears a MC5 hat at all times! That's definite points in the bank.

#### 3. Marcie Bolen (The Von Bondies)

It's kind of funny that the Von Bondies are more renowned for vocalist Jason Stollsteimer's fist-fight with Jack White (The White Stripes) than anything else.

However, when the VB crew came into Montreal last June, the band proved that any measure of cool these Detroit natives put forth emanates from guitar player Marcie Bolen. Though she was dressed simply in a t-shirt and jeans, her detached and cool playing was the perfect foil to the hollow extroversion of the rest of the band. Bolen came off ice-cold, but her rock 'n' roll swagger was dead on; there's a piercing kind of attraction in being nonchalant and standing apart in front of a crowd. Bolen's cool. She is. And, luckily, Emily agrees.

#### 4. Jesse F. Keeler (Death From Above 1979)

In Jesse F. Keeler's case you've got to realise that above all, his band is rad. Death From Above 1979 is the noisiest duo around, incorporating distorted bass, sick and insanely catchy synth, as well as frantic, manic drumming. Keeler's got the synth and bass duties notched onto his ▶

VALENTINE'S DAY BAKE SALE!

Les 8, 9 et 10 février  
Look for the cookie  
ambassadors!



belt (of note: he only plays Rickenbackers!), and he's also a profanely non-hip hipster – irony may be in his sphere but he wears it well. Don't take my word for it, though. Check out Death From Above's best songs, "Go Home, Get Down", "Dead Womb" or "Pull Out" for a total indication. By the way, this dude actually did give me a hug!

### 5. Failure (the band)

Failure, quite frankly, is just great. When I listen to Failure, I feel cool. I feel like buying vinyl and listening to music on big headphones all day, night and into the early strains of the morning. The group's '90s dark alt-rock catalogue is small, but distinguished. Why do the best bands always break up without a solid body of work while Nickelback plugs away at its fourth album? There truly is no justice in this world.

### 6. Josh Homme (Queens Of The Stone Age)

Even if Josh Homme dresses like a accountant from the American desert (minus the glasses, of course), when he straps on a guitar and riffs his way through Queens Of The Stone Age's thick sludge and speed demon tonic this man becomes truly cool. Listen to "Go With The Flow", "Feel Good Hit Of The Summer", the new single "Little Sister" or anything from Homme's former band, Kyuss. The tracks bleed a kind of cool that's based on driving alone at 4 am during an oppressively humid spell; it's the type of rock that either consoles your loneliness or heightens your blistered self-righteousness. I don't care if Homme's eyes were so bloodshot it hurt when Queens Of The Stone Age came through town in September, 2003 — Homme and his guitar walked the walk and owned the stage, leaving the audience envying his I-don't-give-a-fuck-what-you-think demeanour.

### 7. Pharrell Williams (The Neptunes /N.E.R.D.)

One day when law school is but a distant, distant memory I'm going to do a PhD dissertation on Pharrell Williams and his production team, The Neptunes (aka N.E.R.D., for rock-crossover purposes). Why? Because Williams — along with writing cohort Chad Hugo (who is not on the list, unfortunately) — became so over-whelmingly endearing so goddamn quickly, putting together a massive string of hits that continues unabated to this day. Y'know Jay-Z? Ever heard of Snoop Dogg? Does the name Justin Timberlake ring a bell? Those individuals' biggest latter-day smashes have featured Pharrell's work behind the mixing desk and at the mic. When someone as musically jaded as me continuously hums anything by the aforementioned, credit must be given where it's due. And, of course, N.E.R.D.'s *Fly Or Die* record rules, too (especially "The Way She Dances", "Breakout", "Jump" and the title track). Pharrell is fuckin' cool.

### 8. Bert McCracken (The Used)

Bert McCracken is California personified. His shoulder-length combed-over hair, three day old stubble, baggy shorts, wallet chain, and Airwalks define a sense of cool that's based on looks and looks only. Basically, McCracken's in a really lame band with a sole good song to its credit ("Take It Away") and just one instantiation of the guy has you realising that the rebel without a cause (and McCracken certainly doesn't have one) will always appeal to some sort of innate, base aesthetic criteria in the modern era. McCracken is cool despite himself, and every time I see the "Take It Away" video it has me longing for SoCal.

### Honorable mentions:

#### Ryan Adams (singer-songwriter)

Not to be confused with perennial embarrassment Bryan Adams, Ryan Adams is a total badass. Take a gander at the cover of his masterpiece *Heartbreaker*, or the sad, drained, drenched look on *Love Is Hell (Part I)*:

those visuals are cool on so many levels. Conversely, his cocky swagger on *Rock N Roll*'s front image is prototypically incendiary, too. Ryan Adams is sex, drugs, rock n roll, and he's got friends who share that credo: Jack and Meg White, the Strokes, the Vines and anyone else with whisky or a stash. Despite his partying ways Adams is a sincere guy who writes love songs, sad songs and, above all, real songs — he's put out a ridiculous amount of music over the last five years and, for the most part, his stuff is consistent and consistently heart-felt. However, Adams' late nights indicate that he doesn't care if he dies young. In fact, he probably hopes for it.

#### Dolf De Datsun (The Datsuns)

There was a long while where the Datsuns pissed me off. Seriously, these New Zealanders actually induced some measure of rage within me. The reasons for this anger aren't really worth going in to, mostly because they involve other bands (i.e. the Datsuns from Montreal) and perfect timing (the Datsuns' first record conveniently came out at the height of rock revival early '03) so I'll just stick to the non-negatives. The aforementioned debut album, *The Datsuns*, is alright, but aside from the super-charged "Motherfucker From Hell" or the groove-a-licious "Lady" (not a Styx cover, I can't emphasize this enough) it was pretty much a 21<sup>st</sup> century retread of anything Foghat did during the '70s plus a helluva lot more cowbell. Needless to say, the record gathered a lot of dust on my shelves. Then the Datsuns opened for the Pixies last November and everything changed: the band's live set was crazy tight, fast, furious and fuelled by so much anxious energy that you couldn't ask for anything more. The concert display was led by the fashionable tight pants 'n' white-belt wearing Dolf on vocals and bass, his mop-top hair the perfect complement to his semi-fashionista ways. All that was missing was black eyeliner surrounding Dolf's eyes... oh, what could have been.



# Shoot the Message, Not the Messenger

by Stephen Curran (Law III)

By now everyone has heard of, and voiced an opinion on, the costume-party antics of Prince Harry. Attending a private costume party wearing the uniform of a field officer in the Afrika Corps, and carrying a swastika armband was undoubtedly a stupid move on his part. It showed not only a considerable lack of taste, but also a paucity of sensitivity for people who had been oppressed and victimized by the Nazis during the Second World War, Jews and gentiles alike. (Although, I suppose that the majority of the costumes at the party that night were in bad taste, given the "colonial" theme of the evening).

Needless to say, the Prince's behaviour has met with widespread condemnation, not only in Britain, but also throughout Europe and North America. The repercussions in Europe have been especially significant, in the lead-up to the 60th anniversary of the liberation of Auschwitz. In the wake of Harry's bad costume choice, the European Union has announced that it will explore the possibility of a ban on the wearing and display of the swastika. Such a ban, were it to come into existence, would be added to a current EU framework proposal for banning such things as denial of the Holocaust, racist threats and the incitement of xenophobic behaviour. The ban on the display of the swastika would be seen as serving the purpose of combating a most reprehensible and dangerous form of racism.

An indiscriminate ban on the wearing or display of the swastika, however, would not only be unjust, but it would also be dangerous.

A ban on the swastika would be inherently unjust, as it would deny the fact that this symbol has a long history of peaceful use. It is true that the swastika

derives its most notorious modern meaning from the Nazi use of the symbol in the twentieth century, and its continued use by certain xenophobic, racist groups throughout the world. But this symbol has been used for worship for thousands of years, and in ways entirely antithetical to its modern fascist application. Hinduism incorporated the swastika into its religious tenets 5,000 years ago, and the word itself is translated from Sanskrit to mean "good fortune." Over time, the swastika (or variations thereof) has been used by the Greeks, Amerindians and the Celts for a variety of purposes.

The EU's move to ban the swastika is appropriately encountering a strong degree of resistance among certain religious groups in Europe. As put by the secretary-general of the Hindu Forum in Britain, the banning of the swastika because of its misuse by the Nazis would be akin to banning crosses because of the activities of the Ku Klux Klan. The EU cannot justly punish groups, such as Hindus in Europe, for the notorious misuse of the swastika by others. Forcing European Hindus to remove all references to the swastika in their art, temples and religious artifacts would be in serious violation of their freedom of religion, and sadly reminiscent of past Nazi practices of destroying the symbols of "other" religions.

Apart from the issue of religious freedom, however, the EU's fascination with banning this symbol may have other, more pernicious consequences. Notwithstanding the power of symbols, it is always essential to recognize the human agency involved in such man-made catastrophes as the Holocaust. The real problem is not the symbol itself, but rather the behaviour that accompanies it. The swastika is neither good nor bad on its own; it is the use to which it is put by some people that we find morally reprehensible. By merely banning the

swastika, without regard to the human agency behind its use, we are ascribing racism, violence and xenophobia to the symbol itself, rather than the people who misuse it.

What possible harm can result from such a strategy? We increasingly become repulsed and outraged by the symbol, without fully appreciating or understanding the human hatred and evil that has made use (or misuse) of the symbol. This is not some theoretical harm - we see manifestations of this phenomenon around us today. As pointed out by a number of polls taken during the week of the Auschwitz anniversary, an alarming (and increasing) number of Canadians cannot describe what happened during the Holocaust. But I do not doubt that those same Canadians who are ignorant of the Holocaust, and other WW2 atrocities, are fully familiar with the swastika. In this way, the symbol takes on a life of its own. People may not know why they should be outraged by the swastika, but they know that they are.

The EU should indiscriminately ban the swastika, because doing so would unjustly affect certain groups who have been using the symbol peacefully for thousands of years. But they should also refrain from such a ban, on the grounds that doing so may actually desensitize society to the type of human behaviour that leads to the ends we all despise. In attempting to address the challenge posed by racism and xenophobia in Europe, the EU should instead direct its efforts at the human agents who perpetrate acts of hatred, whether or not under the banner of the swastika. They should prosecute those who would use the swastika, or any other symbol whatsoever, to foster hatred and promote violence. The EU should focus on shooting the message of racism, rather than shooting its messenger symbols. ■



# Right is Mike: 5 Semaines à Trois-Rivières

by Michael Hazan (Law III)

About a year ago, while reading *The Quid*, last year's editors-in-chief (Patrick Gervais and Fabien Fourmanoit) recommended that law students should take advantage of the Federal Government's second language bursary program. This program allows university and CEGEP students to learn either French or English for 5 weeks during spring or summer in cities across Canada.

À la fin du mois de mars, suite à l'envoi de ma demande qui avait pris à peine cinq minutes à compléter, le gouvernement m'a placé sur une liste d'attente. Étant donné que le programme débutait en mai, je ne m'attendais plus d'y participer. Toutefois, l'Université du Québec à Trois-Rivières m'a contacté afin de savoir si je voulais toujours y aller. Je n'avais que 24 heures pour leur donner une réponse, mais je m'étais décidé après 5 minutes. Je devais y participer. Je ne voulais pas refuser une occasion extraordinaire d'améliorer mon français. De plus, c'est le gouvernement

qui défrayait tous les coûts.

The next thing I knew, my friends drove me to Trois-Rivières (the birthplace of your amazing VP Internal, Catherine Lambert) and I began my 5-week immersion. From the moment I stepped in my dorm room, the rules were in force. The most important rule was "Je parle français en tout temps et en tout lieu." Our leaders told us that "pour que le programme d'immersion soit efficace, il est primordial que tous les étudiants inscrits à l'école s'expriment exclusivement en français."

I took the program quite seriously, but I felt that in order to improve my French, this was the only way. I was placed in an advanced group where we did grammar, had conversations as well as read stories. Class time ran about 4 hours a day and we had workshops in the afternoon. At night, various activities including sports and parties were organized. I'll never forget playing hockey and telling my friends from Manitoba to "lance la rondelle." C'était tellement drôle. At first it was

difficult but after about a week, I barely noticed that I was speaking French constantly. Sadly, many of my contemporaries didn't try very hard or were there for different reasons. However, those who went and tried hard had a very rewarding experience. I met some great people from all across Canada including Marcus Boire (Law II). I didn't know anybody before the program and I still keep in touch with a few.

J'ai des bons souvenirs de Trois-Rivières et je me suis beaucoup amusé lors de nos excursions à Québec, à Montréal et en Mauricie. Cependant, je suggère à ceux et celles qui s'intéressent au programme d'habiter avec une famille, ce que je n'ai pas pu faire en raison de ma demande tardive. La date limite pour postuler est le 15 février et de plus amples renseignements sont disponibles au <http://www.jexplore.ca/>. Si vous cherchez encore des projets d'été, le programme est une bonne occasion pour ceux et celles qui tiennent à améliorer leur langue seconde. ■

## Craw-Babies Still Growing Up

by Dr. Claw / Neil Horner (Law II)

Game 2 of the Crawdaddies legendary inner tube water polo season kicked off with some serious drama on Sunday afternoon in the craw-tank. The Crawdaddies had learned from many of their mistakes and took on Bring Back the Hi-5 in a battle of wits, finesse and a few other skills which the team apparently lacked. The crawdads were a little groggy off the line and before you could cook a crawdad (8 min on the grill, 5 if boiling) our beloved crustaceans were trailing 9-0.

Many craw-hearts filled with terror as our tower of power, Crawdadette Abols, sustained an injury to her left claw early in the game following some aggressive defense. The team has

remained tight-lipped about her condition. However, many suspect she will be back in action for next Sunday's game. Fortunately, our secret weaponette, Crawdadette Sasson stepped in to fill the void. Also joining the team was Crawdadette Schneiderman, whose petite stature concealed an appetite for destruction.

The new crawdads in the pool soon found their swimming legs and a merciless onslaught of offense ensued. Crawdads Leggett and Cruess teamed up for a classic give and go offense, as the crawdaddies swam circles around the Hi-5. Sneaky little Crawdadette Hollinger was like a Tasmanian Devil unleashing her fury on the Hi-5 net. And Crawdad

Doucet showed us why all the scouts are excited about this young crayfish, with a brilliant top shelf bullet from the blue line.

Also making his first appearance was Crawdad Rapps, who does, in fact, own a bathing suit. His brief goal keeping effort included some minutes of shutout dog-paddle, prior to letting in some goals. While unable to claw their way back from the 9-0 deficit, the crawdaddies showed tremendous heart and were able to make it a close game. The actual score is irrelevant. Come and support your crawdads, if you dare, next Sunday at the cGill pool. ■



# Special Feature: Works of Fiction

This week we continue our special feature of fiction works penned by your illustrious colleagues. If you ask now, you may be able to get their autograph before they become the next John Grisham...

## Meena Khan's First Date

by Miriam Pal (Law III)

I desperately wanted a boyfriend. Since discovering boys in Grade 7, my fantasies had focused on a long list of boys I considered to be potentially right for me. From Glen Bradley to Russ Main to that guy in Grade 10 (I was still in Grade 8) who always smiled at me when I sat across from him in the library, nobody had even come close. Well, that's not entirely true. Ronald Scrimshaw had asked me to the Christmas dance in Grade 8 but I hadn't been allowed to go. My mother, secretly excited that I'd been asked, even intervened with my father (I had heard them discussing this in the middle of the night) but still I couldn't attend. No loss; he was rather geeky anyway and when I ran into him years later, he was gay. The amorous attentions of Owen Reardon, Mike Farlow and even Stephen Bordenski (who grew up to be pretty handsome) all left me cold. I was waiting for that special someone. Alasdair Menzies was the one. He was in Grade 12. I was in Grade 11. He'd dumped Janet Riverton at the Christmas dance to spend the whole evening with me. I felt like such a femme fatale, despite my glasses. Finally, somebody cute and smart - and he liked me! We had a date on Friday night. My first date.

"Papa." I said, my voice sounding dry and cracked. I was sitting on the big kitchen chair, the one where Papa always sat for his morning tea, breakfast and sometimes lunch. A solid wood chair with a woven rope seat, it was by far the most comfortable of the four chairs that surrounded the kitchen table. Sitting in that chair gave me confidence yet at the same time I felt so small. "I have something to ask you." My normally

strong voice trailed off and I was holding my hands so tightly they hurt.

"Yes." said Papa, not really paying attention. He was standing at the kitchen counter, having his nightly martini from his "happy face" glass and telling my mother and anybody else who cared to listen about the events of the day where he worked. Papa didn't like being interrupted. He looked at Meena, quizzically, wondering what crazy question his eldest daughter would come up with now. Ever since she'd turned twelve he couldn't understand her. Meena seemed obsessed with boys, clothes and all those other sick symptoms of teenage Canada. He was baffled by her behavior - it wasn't supposed to be that way. Little by little he felt like he was losing control of his daughter.

"What is it?" he said as he strained to see her clearly through his bifocals,

sipping

his drink and buttressing himself against the kitchen counter with his left arm.

"Papa I have a boyfriend. His name is Alasdair Menzies. He's asked me to go out with him on Friday night. Please can I go?" I started off strongly but my shaking voice betrayed my emotions. My underarms felt drenched in sweat. As I spoke, gripping my arms tightly across my chest, I looked at my father and braced myself for the roar. And then it came.

"NO!" said Papa. "You cannot go. When you were born, I made up my mind; no daughter of mine will be dating those white boys. You are a Pakistani, a Muslim girl and cannot date. You must concentrate on your studies. Your math is poor. Then you'll go to university." ▶

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THIS Wednesday (February 9th)

12:30-1:30

Room 201



"NO!" An explosion of sobs muffled my words. "I have a boyfriend, he's my first and nothing you can do will stop me. I will have a boyfriend, I will, I will, I will." I reached for a fistful of tissues from the box that was always kept on the kitchen table. Taking off my glasses I blotted my eyes. "How can you do this to me, I'm not Pakistani, I'm Canadian! And I'm a good student, if it weren't for math I'd have made the Honour Roll."

"Is that what you want to be, a nice Ca-na-di-an girl?" Papa spoke the name of his adopted country with mockery and disdain. Canada had let him down, bitterly. "Well let me tell you something my dear girl, you don't look like a Canadian, a nice white Canadian. Maybe you should change your name to Debbie. Or Marilyn."

"I don't care what you say, I'm a Canadian. If you didn't want me to grow up here then why did you come here?" I shot back, tearfully.

Papa stood, leaning against the

kitchen counter, scowling at nobody in particular. Mummy busied herself at the kitchen stove, glancing furtively back at the scene behind her from time to time but not saying a word. I could smell the grilling hamburgers but wasn't hungry. The dining room table lay unset. Papa was standing in front of the cupboard where the plates were kept. Neither I nor my mother dared to come too close.

Papa cleared his throat; a gesture that I would only realize years later was from nervousness. "Meena Khan, my position is clear. You will not have a boyfriend. You can cry and shout all you want but I will not change my mind." He looked at her aggressively, in the eyes, with all the confidence of an autocrat. I had been dismissed.

"No, no, no." I wailed. "You will humiliate me in front of the whole school. You never let me do anything. I wish I were dead." I jumped up from the chair and sobbing continuously, stumbled down the hallway to my bedroom and slammed the door. Lying on my bed I

could hear my parents start to fight. But the voices blurred as I curled on the bed, sobbing over the death of my dream to have a boyfriend. "What will I do, what will I say? Why can't I be happy like everyone else? Why can't I have a boyfriend?"

The doorbell rang. I went charging down the stairs to open it. Alasdair stood there, a big grin across his freckled Anglo-Saxon face. I ushered him upstairs to the living room where my parents were waiting. I don't remember a word of the conversation except for the fact that my father asked Alasdair if he was cold wearing only a sports jacket in December. Holding hands, we walked to the bus stop to go downtown to the movies. I wished it were daytime so the whole neighbourhood could see I finally had a boyfriend. My father had acceded to Canadian culture, yet again, but Christmas was just around the corner and with it, more conflicts lay ahead. It would be a long winter. ■

# Your De Rheality - Part II

by Adrian Picard (Law III)

Their jaws low like feet, Ahron and Louisa watched as the tall woman in the beige suit approached and tapped Jordan Honeycutt on the shoulder. He smiled.

"Oh, this is just the person who you should speak to. Patrice, meet these two engaging young students, Louise and Ahron." Patrice extended her hand to both students in turn, and they shook it, introducing themselves.

"This is Patrice Bourgoin, she's finishing her third year here," Honeycutt said, turning to her. "Right, Patrice? It's your third year here?"

The woman nodded.

"I thought so. In fact, Louisa, she spent quite a while in the Crim section of

the Crim and Admin group. I think you in particular will find what she has to say quite illuminating. Now, if you will excuse me, I really must go. But it was a wonderful pleasure meeting both of you. I hope we have a chance to meet again, and sometime soon."

Jordan Honeycutt winked, and then marched over to the woman with the lion hair. He promptly told her a joke. She responded with laughter.

Patrice laughed at Jordan Honeycutt's departure.

"He's crazy," she told Ahron and Louise.

"Yeah, a real wild guy," Louise said.

The conversation went quiet. Louise stepped into the void. Ahron held back.

"So, Mr. Honeycutt told us you have some experience in criminal law here?"

"Yes, yes," Patrice responded.

"And what kinds of files did you work on?"

"Oh well, I did some business crime, stuff like that..."

"Anything in particular?"

"Research and briefs. A couple of appearances and things..." The conversation again lost its drive.

"I see. How independent was the work?"

"Independent? You mean how did I do it?" ▶



"Yeah, I mean, did they supervise everything you did? Were you allowed to work on your own cases?"

"Oh, yes, yes. I mean, sometimes. No, really..."

\* \* \*

As Louise delved further into the bountiful world of criminal law at *Bouillon Halton DeRheal*, Ahron stepped back to admire the room. He still saw scores of students engaging the lawyers in attendance, and a few conversing among themselves. Then he thought back to his original plan for the evening, that whole Satan's deputy thing, and wondered what the hell he had been thinking. He had wanted to walk into this little 52<sup>nd</sup> floor town, adjust himself to its personalities and peccadilloes, and then impress all the locals with his knowledge and ability. He wanted to ask the questions that didn't normally get asked, and persist when the answers were not forthcoming. Instead, he felt he stumbled around looking at people act in ways he could not comprehend, no matter how often he encountered them in the past. Students seemed to admire these lawyers, and perhaps worse, seemed to be trying to get the lawyers to understand their feelings. Some of the lawyers were kind but frightened, and others looked as if they had walked straight off the space transport from Neptune. Ahron wanted to criticize the students for failing to challenge the absence of honest responses and deliberate lack of compassion. He realized, though, that he himself had failed to do the same. Even though he asked how many hours Jerry Fontana and his stunned sheep-like existence logged doing commercial law at this empty business office, he had not thought to question the man as to whether he enjoyed it or felt it useful. He didn't ask whether Jerry would rather be doing something else, or whether he was at home here on the 52<sup>nd</sup> floor. So much for embodying hot molten slag piercing its way into the guarded citadel of the law.

Ahron leaned into the table, trying hard to recapture his evening's goals. He

scanned the mingling people in the room, surveyed the drooping art that hung behind them on the walls. He looked down at his hands, one empty and one possessing a cheap wine glass. He tilted the glass, and swirled the final mouthful of wine around inside the open sphere. A crooked smile spread on his face and he looked up before it faded, narrowing his eyes to the people around him. Louise continued her laboured efforts at coaxing the true nature of criminal law practice out of Patrice.

"Hello," a woman said, smiling wide. It was the woman who earlier shared a joke with the man serving drinks. She wore modern black glasses, and her hair rested on the back of her head in an informal bun.

"Hi," Ahron replied.

"Are you enjoying yourself?" she asked.

Ahron pondered the question. Then he knew the answer.

"Well, I'm not having a bad time, but I can't say that I'm having a good time either."

"Oh, I'm sorry to hear that. Is there anything I can do?"

Ahron thought about this, too.

"No, I don't think so," he told her, "I mean, it's not because of you. The evening has been very well presented."

"That's good to hear. Still, are you sure there isn't something I can do for you? If you want another drink or something, maybe I

can get it for you?"

Ahron finished the last bit of wine from his glass.

"Well, yes, that would be nice, but I couldn't ask you to do that for me. Hey, I didn't introduce myself. My name is Ahron Jones; it's nice to meet you."

Ahron held out his hand. The woman gladly shook it.

"Julie Maitoyen. *Enchantée*."

"You're French?" Ahron asked with curiosity.

"Yes... my father is French. My mom is German, and we spoke English at home, mostly. It was the common language. I can, however, speak all three. *Mostly*. And you?"

"Well I speak English... and I've tried to learn French a little better than I already spoke it, but that's seems to have been mostly a disaster. I learned a little Spanish in school, so I can order in a ▶

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fast food restaurant in Mexico, but not really in a fancy restaurant in Madrid. And that's about it."

Julie laughed.

"Sorry, that was a bad joke," Ahron disclaimed. "You don't have to laugh if you don't want to." He smiled.

"No, it was funny," she told him. "I don't think I could even stare at someone silently in Spanish."

Ahron laughed.

"Maybe now I can get you that drink?"

Ahron agreed. When Julie returned, she carried two glasses.

"Thank you very much," Ahron nodded.

"You're very welcome," Julie replied, "but it's my job."

"It's your job? This ain't no bar I ever seen."

"It's not, but I'm the director of communications here, so I put the evening together, and I need to make sure all the students are having a good time. That includes gathering drinks. I also don't mind because you seem nice, and so it was my pleasure."

"Well, thank you then. I appreciate it. Like I said, I also think you have done a good job. Everyone seems to be enjoying themselves."

"That's what's most important. But the firm could use a different caterer, and a better selection of wine, I think. I don't know if you noticed."

Ahron nodded, trying to contain a laughing smile.

"It's especially okay to not like the crab pastry puffs, because I don't like them either. Too soggy. Like eating a piece of bread that has fallen into the bathtub. But, you see, I had no choice. The caterer is a client of the firm, so I was... heavily persuaded to use him."

"That's too bad. It sounds as if you know your food."

"Maybe a little, but like I said, it's my job. And there's no excuse for soggy snacks."

Julie sipped her wine, smiling. Ahron watched her.

"So, you said you felt *comme ça*, *comme ça* about the evening-" as she spoke she lifted her empty hand, and, with her fingers flat, tilted it like a boat on restless water, "-is that because of the office or the lawyers?"

Ahron thought

quickly of his intentions for the cocktail. He realized that this question presented him with the opportunity to investigate the possibility of his working in a place like this.

"I don't know," he said. "I thought I was open-minded, but I was clearly not, because I came here expecting to have to ask pointed questions and insist on answers. I didn't give the firm a chance. I also found that I actually had to ask those questions because no one volunteered much information about the things in which I'm interested. But I mostly haven't asked. So I'm disappointed I wasn't open-minded, but also that I haven't investigated."

"At the same time, some of the lawyers I have met so far have been really... *forthcoming* about life at *Bouillon Halton DeRheal*. They've confirmed many of my fears. And just by being walking and talking and being themselves. I don't know if that makes any sense, but I guess I have learned a lot." Ahron looked over at Louise, who continued to wrestle with Patrice.

Julie drank from her glass.

"It makes lots of sense, Ahron. I know how you feel," she said. "You expect law firms to be shallow and dismissive, which is unfair, only they often prove themselves to be that way, which vindicates you. And one way to avoid the problem is to ask lots of questions, which is necessary to find the good places, only it reinforces your originally negative view."

"That's pretty much it. You are a smart one."

"Thank you."

"What should we do about it?"

"Well, I guess... you ask questions. I don't know, I thought I did, but maybe not. I don't think I will be here much longer either."

"Really? How come?"

"For one thing, I am finishing a ▶

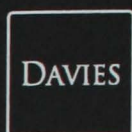
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master's degree in forensic science in the summer. I would really like to work in that field."

"That sounds really interesting. Good for you."

"Yeah, and, well, I've haven't always asked a lot of questions, but just being here fills in the picture. This place isn't exactly friendly if you're not a lawyer."

"What do you mean?"

Julie sipped from her glass.

"There are muffins and fruit here in the morning for the staff, but only the lawyers get them for free. I don't even want to eat the food, but having to pay for it always seems a little strange."

"I'm sure they can afford it."

"Yeah. And it's not even that, it's just that they would make anyone feel left out because of the position they occupy. I guess you can't judge someone based solely on how they treat you. You have to look at they way in which they treat other people."

"I can't understand that sense of entitlement. I don't like it much either. I don't think I will feel that bad leaving this place out of my list of places I need to apply to."

Julie laughed at his sentence construction.

"I don't blame you," she said. "You're funny; I didn't expect to have a conversation even remotely like this when I arrived this evening. Usually, it's so hard for the students – I can tell – they just want to find a job. I kind of feel bad for them. But tonight, it has been enjoyable. You're a funny guy."

"Well thank you, Julie, that's very kind."

"And you know, if you change your mind, and decide you want to work here, I won't tell anyone."

Jordan Honeycutt called Julie's name

from across the room, and marched over.

"Hi Ahron," he said, "I hope this beautiful young assistant of ours hasn't been distracting you too much from the task at hand. Julie, Julie, Julie."

"No, actually she is very well spoken and offered some very insightful ideas on working at *Bouillon Halton DeRheal*. You should thank her for her efforts."

"That's why we hired her." Honeycutt put his hand on her shoulder. "Julie, I need to see you a moment about next week's engagement. Ahron, can I borrow her for just a second?"

"You should ask her."

Jordan Honeycutt glared at him. Ahron looked at his interview chances. They went away.

"It was a pleasure to meet you, Julie," Ahron said.

"It was a pleasure to meet you as well, Ahron." Julie smiled, and then followed Jordan Honeycutt to the side of the room.

\* \* \*

Louise reached the end of her conversation with Patrice. Ahron looked them over, and noticed the lawyer's white knuckles. Her hands clutched a small wallet with the intensity of an adolescent wolverine. Red lines stretched out from her nails, twirling around one another and encircling her fingers. Ahron thought "Whoa..."

"Hey, you done?" Louise asked him.

"Huh? Yeah, yeah, I think so. You?"

"Yes, I am. Patrice was very kind."

Patrice smiled.

"I'd better go. It was nice meeting both of you."

"Likewise." Louise said. Patrice turned and approached one of the other lawyers.

"What's up with her hands?"

"Her hands?" Louise replied, "you mean her eyes. She was almost crying."

Ahron looked back toward Patrice. A single drop of water stretched along her cheek. Then she said something to the lawyer and left the room.

"Yeah, what was wrong?"

"She was so sweet. She was really shy too. It seems she really didn't like her first year. Or her second. Or actually her third. But she said it's getting better."

"Better? Why does she stay?"

Louise shrugged her shoulders. "I don't know. I hope she does what she wants, but I can't imagine why anyone would do this to themselves."

Ahron put his empty wine glass on the table.

"I spoke to the woman who arranged the evening, Julie," Ahron told Louise, nodding toward Julie. "She was really nice. She also said the support staff have to pay for muffins."

"That's lovely. Yeah, Patrice mentioned something about sneaking coffee to her secretaries."

"Isn't that special?"

"Very."

The two students paused a moment and surveyed the room. The students and lawyers continued to mingle, crushed together like people trapped in a broken elevator. The lights flickered and the bell went ding, but the doors just wouldn't open. Only, the boardroom had no doors.

"So..." Ahron said finally, stretching his arms, "you gonna work here?"

Louise let a moment pass before answering. Then, her eyes focused, her mouth certain, she looked Ahron right in the face and raised an eyebrow.

"Hell no," she said.

"Me neither." Ahron replied, sighing.

"Shall we?" ▶



"I guess so."

Ahron and Louise lined themselves up like two beams of red hot laser light, and pointed themselves toward the big open door. It actually let people exit as easily

as it let people enter. Passing by the silver slab painting under which they met, they looked back at the room and the talking people. Perhaps the students and the lawyers were happy after all, Ahron thought. They seemed so. And Ahron and

Louise marched out the door, taking their coats and bags, and wishing the receptionist goodnight. The two walked right into a waiting elevator and from there it was all down. Both of them liked it that way. ■

The Health Law Students Association / l'Association d'étudiante en droit medical presents

## Careers in Health Law and Biotechnology

Thursday February 17th, 16:30-17:30, Room 202

This moderated panel is designed to give students an opportunity to explore possibilities for careers in health law and biotechnology. The panel will consist of four members, one from each of the following professional fields: legal practice, legal academics/public policy, non-governmental organization, and biotechnology firm executive. Panel members will present a 5-minute talk to give background information on their experiences and perspectives. The floor will then be open to questions.

### Panel Members:

#### **Charles Grubsztajn - Associate Director of Business Development, Caprion Pharmaceuticals**

Caprion Pharmaceuticals is a venture capital financed biotechnology company based in Montreal. Charles has negotiated and executed dozens of licensing agreements with pharmaceutical and biotechnology companies, universities, governments, and research institutions for research programs to treat cancer, infectious diseases, and Alzheimer's. He is also active in the company's M&A, operations, and financing activities.

#### **Stuart Kugler - Medical Malpractice Attorneys, Kugler Kandestin L.L.P.**

Kugler Kandestin, L.L.P. was founded in 1926 and is a mid-size boutique law firm in Montreal which has a medical malpractice team of attorneys. Stuart Kugler graduated from McGill's Faculty of Law in 1998. He became an associate with Kugler Kandestin, L.L.P. upon his call to the Bar. Stuart's primary area of practice is civil litigation, particularly medical malpractice, personal injuries, property and liability insurance, with a special interest in one of which was recently instituted and settled on a Canada-wide basis.

#### **Mireille Lacroix - Research Associate, HumGen**

Based at University of Montreal, HumGen is an international database on the legal, social and ethical aspects of human genetics. Mireille Lacroix holds a Master of Laws, specialisation in Bioethics from McGill University. She participated in the drafting of a report on legal and ethical issues raised by genetic testing for Ontario's Provincial Advisory Committee on New Predictive Genetic Technologies. Her research focuses on issues of privacy and confidentiality, public health law and infectious disease surveillance.

#### **Richard Pearshouse - Senior Policy Analyst, Canadian HIV/AIDS Legal Network**

The Canadian HIV/AIDS Legal Network is the only national, community-based, charitable organization in Canada working exclusively in the area of policy and legal issues raised by HIV/AIDS. Richard Pearshouse began working at the Network in November 2004, after working as a Legal Advisor to the UN Special Panels for Serious Crimes in East Timor. He has also been a legal research project officer for an East Timorese human rights NGO, a human rights monitor with a Guatemalan human rights NGO, assistant to the President of the Human Rights and Equal Opportunities Commission in Australia, and interned at the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia in The Hague.



# McGill Public Interest Career Fair

Wednesday, February 16<sup>th</sup>, 2005

10:45 – 12:45: Info kiosks in the Atrium

Éducaloi - Le carrefour d'accès au droit  
 Dept. of Foreign Affairs (UN, Human Rights Law Division)  
 Canada Corps at CIDA  
 Legal Aid Ontario  
 Projet Accompagnement Québec-Guatemala  
 Association of Community Legal Clinics of Ontario  
 Rights & Democracy  
 Hutchins Soroka & Grant LLP  
 Cavalluzzo Hayes Shilton McIntyre & Cornish LLP  
 Nelligan O'Brien Payne LLP

... and many more

1:00 – 2:15: Panel in the Moot Court: "Careers in Public Interest Law"

Elisabeth Eid, Director of Human Rights Law Section, DOJ  
 Fay Faraday, Cavalluzzo Hayes Shilton McIntyre & Cornish LLP  
 Rick Goldman, Comité d'aide aux réfugiés  
 Stephen Toope, Trudeau Foundation  
 Catherine McKenna, Stikeman Elliot LLP, and Canadian Lawyers Abroad

2:30 – 4:30: Networking in the Atrium

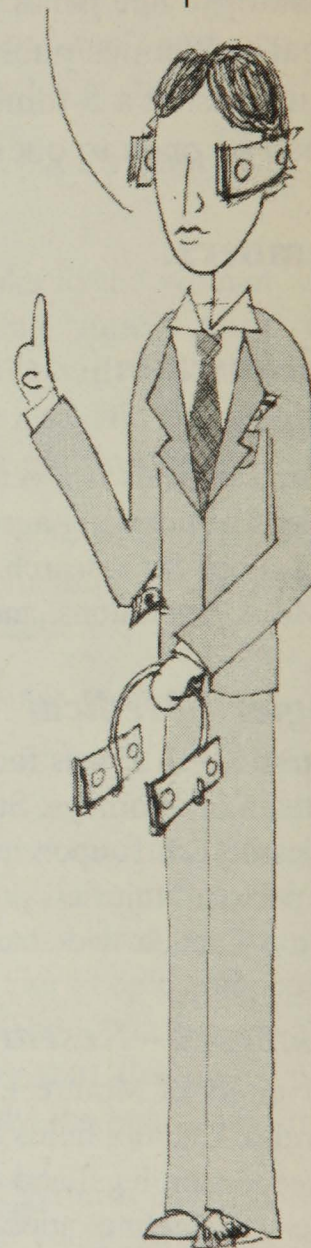
Sign up (by February 10<sup>th</sup>) to meet one-on-one with the following professionals:

David Schulze, Hutchins Soroka & Grant LLP (Aboriginal Law)  
 Annie Berthiaume, Nelligan O'Brien Payne LLP (Labour Law)  
 Howard Strauss, Director, UN, Human Rights & Humanitarian Law Division (Foreign Affairs)  
 Lloyd Lipsett, Senior Assistant to the President, Rights & Democracy  
 Elisabeth Eid, Director of Human Rights Law Section, DOJ  
 Fay Faraday, Cavalluzzo Hayes Shilton McIntyre & Cornish LLP  
 Rick Goldman, Comité d'aide aux réfugiés  
 Catherine McKenna, Stikeman Elliot LLP, and Canadian Lawyers Abroad  
 Isabelle Daoust, Advisor, International Humanitarian Law, Canadian Red Cross  
 Patricia Kosseim, General Counsel, Office of the Privacy Commissioner of Canada

# Les aventures du Capitaine Corporate America

by Laurence Bich-Carriere (Law I)

*Que tous ceux qui se sentent des problèmes moraux mettent leurs oreillères corporatives*



*...ou demandent à leur secrétaire de les aider à le faire...*

«Conseil(s)  
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